IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 12756 of 2005

Between:

C. Anjaneyulu, s/o Subbanna,
R/o A-3 Quarters, APSRTC Officers Quarters,

Behind Regional Manager Office, Kadapa.

..... PETITIONER

AND

1 The A.P. State Road Transport Corporation,

Rep. by its Managing Director,
Musheerabad, Hyderabad.
2 The Works Manager, APSRTC,

Zonal Workshop, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the respondents-corporation and issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not considering review petition dt. 22-5-1997 and 19-6-1997 of the petitioner, and rejecting the same by letter dt. 16-3-2004 and 5-6-2004, as arbitrary, unjust, contrary to law, illegal and also in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents herein to consider the review petitions of the petitioner dt. 22-5-1997 and 19-6-1997 and pass such further order or orders just and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY, Standing Counsel for APSRTC.

The Court at the stage of admission made the following:

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ORDER:

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This writ petition is filed by the petitioner aggrieved by the rejection of the review petition on the ground that the petitioner did not present the review petition as directed by this Court.

2. According to the petitioner, he was denied the promotion to the post of Mechanic Grade-II, even though he was entitled to in accordance with the Regulations. Therefore, he filed the writ petition on an earlier occasion in W.P.No.10136 of 1990. This Court disposed of the writ petition on 24-04-1997 directing the petitioner to file a review petition before the authorities, within a period of two months from the date of receipt of a copy of the order and within a further period of two months the review petition was directed to be disposed of by the respondents. It is stated that thereafter the review petition was filed after receipt of the copy. As the copy of the order was received only in April, 1997, the petitioner was able to file a review petition only in the month of June, 1997. The respondents, instead of considering the revision on merit, simply rejected on the ground that the petitioner did not file the review petition within a period of two months as directed by this Court and therefore, no action can be taken. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel. The learned counsel for the petitioner contended that the respondent-authorities, without verifying the date of receipt of the copy by the petitioner, mechanically rejected the review petition, even though this Court directed to consider the same on merits. The learned counsel also contended that the petitioner made number of representations even subsequently. But those

representations were also not considered. Hence, the present writ petition.

4. As the respondents did not pass any orders on merits, but only rejected the case of the petitioner on the ground that the review was not filed within a period of two months as directed by this Court, the said order was not in accordance with law and the orders of this Court. Hence, the same is set aside and the respondent-authorities are directed to dispose of the review petition on merits expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

16th June, 2005

Note:

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Furnish C.C. within two days.

B/o.

SKM

To

1 The Managing Director,

A.P. State Road Transport Corporation,

Musheerabad, Hyderabad.

2 The Works Manager, APSRTC,

Zonal Workshop, Kadapa.

3 Two CD copies